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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/607,127
Filing Date: June 26, 2003
Appellant(s): MCMULLIN, ANGELINA

Wayne F. Reinke
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 17, 2007 appealing from the

Office action mailed July 16, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20030169295	BECERRA, JR.	9-2003
20020095399	DEVINE ET AL.	7-2002
20030117447	MUJICA ET AL.	6-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14, 19-27, 29-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Becerra, JR. (hereinafter Becerra), U.S. Application Publication

No. 2003/0169295, provisional filing March 7, 2002, in view of Devine et al.

(hereinafter Devine), U.S. Application Publication No. 2002/0095399 provisional

filing August 4, 2000, and further in view of Mujica et al. (hereinafter Mujica) US

PG Pub No. US 2003/0117447 filed 12/21/2001.

In regard to independent claim 1, Becerra teaches an electronic tool for the

creation of interactive representations of input and output data, and for simulating

associated algorithms used to manipulate said data that are used in spreadsheets. The

simulation is generated based on data sources within an application program file

(spreadsheet data cells). Becerra additionally teaches an interface, using input

arrangements (i.e. data arrangements), said arrangements associated with spreadsheet

execution, accordingly (Becerra Abstract, Figure 2, also paragraph [0011] – especially

at end of said paragraph, and paragraphs [0022], [0023], [0024], [0025]).

It is additionally noted that Becerra does not specifically teach that the

spreadsheet itself is to execute its logic. However, Devine teaches a spreadsheet

statistical reporting method whereby a spreadsheet executes internal statistical

calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of

ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing

Becerra the benefit of well known statistical test methods by the spreadsheet to confirm

Becerra's analyzed spreadsheet algorithms (see also Devine paragraph [0449] – at

middle). It is further noted that both references are in the same general field of endeavor (calculating spreadsheet reports). Compare the above with "*A method of facilitating development of programs, said method comprising; providing an interface of a program; and including in the program a spreadsheet that is to execute logic of the spreadsheet in response to data of the interface,...*".

Becerra teaches selecting one or more data cells in a pre-existing spreadsheet file (Becerra paragraph [0010] – at bottom). Becerra does not specifically disclose a spreadsheet which is "*unchangeable*" by a user. However, Mujica teaches a spreadsheet application comprising the ability of a user to lock either an individual cell or a group of cells (i.e. all cells of a spreadsheet), thereby locking spreadsheet changes (Mujica paragraphs [0004], [0017]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Mujica to Becerra, providing Becerra the benefit of creating a program with locked cells therefore ensuring better data security.

Becerra teaches displaying output (Becerra Figures 2-5).

In regard to dependent claim 2, Becerra does not specifically teach hiding a spreadsheet program. However, Devine teaches running a spreadsheet "hidden" (Devine paragraph [0549]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of hiding a spreadsheet for increased security (e.g. for service deliveries only).

In regard to dependent claim 3, Becerra does not specifically teach that the spreadsheet avoids re-coding. However, Devine teaches running a spreadsheet "hidden" (Devine paragraph [0549]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of hiding a spreadsheet for increased security (e.g. for service deliveries only, and therefore avoids re-coding).

In regard to dependent claim 4, Becerra teaches creating an interface based upon a spreadsheet (Becerra paragraph [0010]).

In regard to dependent claim 5, Becerra teaches creating interactive representations of (spreadsheet) input and output data (Becerra Abstract, Figure 5). Becerra does not specifically disclose input and results "tabs". However, Becerra's teaching of Sheet tabs (Becerra Figure 4 – at bottom) to differentiate between spreadsheets, provides reasonable suggestion to one of ordinary skill in the art at the time of the invention to apply "tabs" to input and result sections, facilitating differentiation between input and result data.

In regard to dependent claims 6, 7, 8, Becerra teaches creating input components and selecting ranges, so as to facilitate interaction with Becerra's

spreadsheet (Becerra paragraph [0010], Figure 2). It is noted that these input components provide association data to the spreadsheet.

Becerra does not specifically teach prior checks and tasks. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of well known statistical test methods by the spreadsheet to confirm in advance Becerra's analyzed spreadsheet algorithms (see also Devine paragraph [0449] – at middle).

In regard to dependent claim 9, Becerra does not specifically teach that the output data is from the spreadsheet itself. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of well known statistical test methods by the spreadsheet to confirm in advance Becerra's analyzed spreadsheet algorithms by providing output data from said spreadsheet (see also Devine paragraph [0449] – at middle).

In regard to dependent claims 10, 11, Becerra teaches formulas to be applied to input data (Becerra paragraph [0011]). Becerra teaches results (Becerra Figure 5).

In regard to dependent claim 12, 13, Becerra does not specifically teach exclusive input/output access to the spreadsheet. However, Devine teaches a user logon and other authentication procedures for identification of authorized member users (Devine paragraph [0495]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of exclusive input/output, ensuring greater security.

In regard to dependent claim 14, Becerra teaches an initial setup of graphical slider controls associated with input cells. Calculations are replaced as input values change (via slider), without rearrangement (re-coding) of the interface (Becerra paragraph [0042]).

Becerra teaches selecting one or more data cells in a pre-existing spreadsheet file (Becerra paragraph [0010] – at bottom). Becerra does not specifically disclose a spreadsheet which replaces calculations by other then the user. However, Mujica teaches a spreadsheet application comprising the ability of a user to lock either an individual cell or a group of cells (i.e. all cells of a spreadsheet), thereby locking spreadsheet changes (Mujica paragraphs [0004], [0017]). It is noted that the claimed "other" user can be the programmer with the power to change, replace, and lock accordingly, preventing all future users from editing. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Mujica to Becerra, providing Becerra the benefit of creating a program with locked cells therefore ensuring better data security.

In regard to independent claim 19, Becerra teaches an electronic tool for the creation of interactive representations of input and output data, and for simulating associated algorithms used to manipulate said data that are used in spreadsheets. The simulation is generated based on data sources within an application program file (spreadsheet data cells). Becerra additionally teaches an interface, using input arrangements (i.e. data arrangements), said arrangements associated with spreadsheet execution, accordingly (Becerra Abstract, Figure 2, also paragraph [0011] – especially at end of said paragraph, and paragraphs [0022], [0023], [0024], [0025]). Compare with "*A method of facilitating development of programs, said method comprising; providing an interface of a program; and including in the program a spreadsheet that is to execute logic of the spreadsheet in response to data of the interface,…*".

It is additionally noted that Becerra does not specifically teach that the spreadsheet itself is to execute its logic. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of well known statistical test methods by the spreadsheet to confirm Becerra's analyzed spreadsheet algorithms (see also Devine paragraph [0449] – at middle). It is further noted that both references are in the same general field of endeavor (calculating spreadsheet reports).

Becerra teaches selecting one or more data cells in a pre-existing spreadsheet file (Becerra paragraph [0010] – at bottom). Becerra does not specifically disclose a spreadsheet which is "*unchangeable*" by a user. However, Mujica teaches a spreadsheet application comprising the ability of a user to lock either an individual cell or a group of cells (i.e. all cells of a spreadsheet), thereby locking spreadsheet changes (Mujica paragraphs [0004], [0017]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Mujica to Becerra, providing Becerra the benefit of creating a program with locked cells therefore ensuring better data security.

Becerra teaches displaying output (Becerra Figures 2-5).

In regard to dependent claims 20-25, 27, claims 20-25, 27 reflect the system comprising computer readable instructions used for performing the methods as claimed in claims 2, 4, 6, 7, 9, 10, 14, respectively, and are rejected along the same rationale.

In regard to dependent claim 26, claim 26 reflects the system comprising computer readable instructions used for performing the methods as claimed in claims 12, 13, and is rejected along the same rationale.

In regard to independent claim 29, Becerra teaches an electronic tool for the creation of interactive representations of input and output data, and for simulating associated algorithms used to manipulate said data that are used in spreadsheets. The simulation is generated based on data sources within an application program file

(spreadsheet data cells). Becerra additionally teaches an interface, using input arrangements (i.e. data arrangements), said arrangements associated with spreadsheet execution, accordingly (Becerra Abstract, Figure 2, also paragraph [0011] – especially at end of said paragraph, and paragraphs [0022], [0023], [0024], [0025]). Compare with "*A method of facilitating development of programs, said method comprising; providing an interface of a program; and including in the program a spreadsheet that is to execute logic of the spreadsheet in response to data of the interface,…*".

It is additionally noted that Becerra does not specifically teach that the spreadsheet itself is to execute its logic. However, Devine teaches a spreadsheet statistical reporting method whereby a spreadsheet executes internal statistical calculations on inputs (Devine paragraph [0449]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Devine to Becerra, providing Becerra the benefit of well known statistical test methods by the spreadsheet to confirm Becerra's analyzed spreadsheet algorithms (see also Devine paragraph [0449] – at middle). It is further noted that both references are in the same general field of endeavor (calculating spreadsheet reports).

Becerra teaches selecting one or more data cells in a pre-existing spreadsheet file (Becerra paragraph [0010] – at bottom). Becerra does not specifically disclose a spreadsheet which is "*unchangeable*" by a user. However, Mujica teaches a spreadsheet application comprising the ability of a user to lock either an individual cell or a group of cells (i.e. all cells of a spreadsheet), thereby locking spreadsheet changes (Mujica paragraphs [0004], [0017]). It would have been obvious to one of ordinary skill

in the art at the time of the invention to apply Mujica to Becerra, providing Becerra the

benefit of creating a program with locked cells therefore ensuring better data security.

Becerra teaches displaying output (Becerra Figures 2-5).

In regard to dependent claims 30-35, 37, claims 30-35, 37 reflect the product

comprising computer readable instructions used for performing the methods as claimed

in claims 2, 4, 6, 7, 9, 10, 14, respectively, and are rejected along the same rationale.

In regard to dependent claim 36, claim 36 reflects the product comprising

computer readable instructions used for performing the methods as claimed in claims

12, 13, and is rejected along the same rationale.

(10) Response to Argument

Beginning on page 9 of the appeal brief (hereinafter the brief), Appellant argues

the following issues which are accordingly addressed below.

a.   **Appellant argues that the references of record constitute non-analogous**

art, and are therefore improperly cited against the present application (pages 9-12

of the brief).

The examiner respectfully disagrees. Becerra teaches an electronic tool for the
creation of interactive representations of input and output data, and for simulating
associated algorithms used to manipulate said data that are used in spreadsheets.
Becerra clearly teaches development of programs, since visual components are
manipulated and associated with (spreadsheet) data sources, producing a program to
achieve customized results (see also Becerra Figure 1). Becerra develops a program(s)
for creating custom animations of spreadsheet data that run on a Flash player. It is
worth noting that Becerra paragraph [0036] and [0037] teaches binding components to
spreadsheet cells. For at least this reason, it is respectfully submitted that Becerra is
within the same general field of endeavor as Appellant's invention.

Appellant argues that Becerra is not reasonably pertinent to the problem
Appellant's invention seeks to solve. The examiner respectfully disagrees. Becerra uses
spreadsheet data, along with mathematical formulas that simulate spreadsheet
functionality, to create a customized program for display. Although paragraph [0011] of
Becerra does mention a simulation, Becerra still relies on a spreadsheet program to
create the underlying algorithms and mathematical relationships. Since representative
claim 1 recites that a "spreadsheet" is "included" within the program, secondary
reference Devine is used to teach a spreadsheet statistical reporting method whereby a
spreadsheet executes internal statistical calculations on inputs. This teaching is applied
to Becerra, providing Becerra the benefit of including a spreadsheet to utilize well
known statistical test methods by the spreadsheet, so as to confirm Becerra's analyzed

spreadsheet algorithms. As stated in the instant rejection of claim 1, both references are in the same general field of endeavor (calculating spreadsheet reports). For at least these reasons, it is respectfully submitted that Becerra is pertinent to the problem at hand.

Appellant substantially applies the same analysis to secondary reference Devine. The examiner respectfully disagrees. As stated above, Devine is used to teach a spreadsheet executing internal statistical calculations on inputs, and is applied to Becerra accordingly. Both references deal with spreadsheet reporting.

Regarding tertiary reference Mujica, this reference is used to teach representative claim 1 "*wherein the spreadsheet of the program is unchangeable by a user*" (emphasis added). Mujica locks individual cells of a spreadsheet, therefore said cells are unchangeable by users.

b.   **Appellant submits there is no teaching, suggestion or motivation to put a spreadsheet into the Becerra animation, if it could even be done (page 13 of the brief).**

The examiner respectfully disagrees. Becerra uses spreadsheet data, and generates mathematical formulas which simulate spreadsheet functionality. Devine's spreadsheet is applied to Becerra so as to provide a test of the accuracy of the

generated formulas, and/or to give a user a choice between the spreadsheet itself or its

mathematical simulation.

c.   **Appellant argues that applying Mujica to Becerra would go against the**

teaching of Becerra (page 13 of the brief).

       The examiner respectfully disagrees. The examiner interprets the term "user"

within representative claim 1 as a human user, therefore a human user would not be

able to change Devine's spreadsheet as applied to Becerra's invention. In any event,

even if Appellant's analysis is to be adopted (the examiner is not admitting this), there is

no reason why it would not be possible (or reasonable) for the skilled artisan to restrict

Becerra's input range accordingly.

d.   **Appellant argues that applying Devine's hidden spreadsheet into Becerra**

would make no sense in view of the teachings of Becerra (page 14 of the brief).

       The examiner respectfully disagrees. There is more to Becerra's invention then

the simulation result. Becerra teaches that various components are arranged on a

canvas for creating a program, etc. (see Becerra Abstract and Figures 1-5). Devine's

spreadsheet can be made available during the design phase. In addition, since there is

no reason why a spreadsheet cell display cannot be displayed as part of a final flash

simulation, Devine's teaching would render the option of hiding said spreadsheet

accordingly. It is respectfully noted that instant claim 2 merely recites that the

spreadsheet of the program is hidden from a user. Devine does this and is applied to

Becerra accordingly.

e.   **Appellant argues that Devine does not teach the limitations of instant claim**

3 (pages 14-15 of the brief).

The examiner respectfully disagrees. Becerra does not specifically teach that the

spreadsheet avoids

re-coding. However, Devine teaches running a spreadsheet "hidden". By keeping the

service workbooks hidden, a user cannot change the spreadsheet, therefore said

spreadsheet cannot be re-coded with new data and/or formulas.

Claim 3 recites in pertinent part "...*avoids re-coding of the logic of the*

spreadsheet.". The examiner interprets this as the spreadsheet's logic itself that cannot

be re-coded, or changed. Becerra's algorithms and mathematical formulas may be

imported (replicated) from a spreadsheet into a control panel file, but the logic of the

spreadsheet itself is not altered.

f.   **Appellant argues that Becerra does not teach instant claim 5 (pages 15-16
of the brief)**.

The examiner respectfully disagrees. Becerra's final simulation involves display
of spreadsheet tabs during at least the design phase. Since spreadsheet tabs (and tabs
in general for marking data) were well established at the time of the invention, it would
have been obvious to the skilled artisan to apply the design phase tabs for use in the
result, providing organization to data of interest.

g.   **Appellant argues that Becerra does not teach instant claim 6 (page 16 of
the brief)**.

The examiner respectfully disagrees. As explained in the instant rejection,
Becerra teaches creating input components and selecting ranges, so as to facilitate
interaction with Becerra's spreadsheet. It is noted that these input components provide
association data to the spreadsheet.

Although Appellant asserts that Becerra's interaction is not the same as the
claimed "interaction", claim 6 does not elaborate on this specific term. Absent
clarification within claim 6, there is nothing within said claim which would preclude the
examiner from the interpretation adopted within the instant rejection.

h.   **Appellant argues that Becerra does not teach instant claim 7 (page 17 of the brief).**

The examiner respectfully disagrees. Becerra teaches creating input components and selecting ranges, so as to facilitate interaction with Becerra's spreadsheet (Becerra paragraph [0010], Figure 2). It is noted that these input components provide association data to the spreadsheet.

i.   **Appellant argues that Becerra does not teach instant claim 14 (page 18 of the brief).**

The examiner respectfully disagrees. As explained in the instant rejection, Becerra teaches an initial setup of graphical slider controls associated with input cells. Calculations are replaced as input values change (via slider), without rearrangement (re-coding) of the interface.

Becerra teaches selecting one or more data cells in a pre-existing spreadsheet file. Mujica is used to teach a spreadsheet which replaces calculations by other then the

user. It is worth noting that the claimed "other" user can be a programmer with the

power to change, replace, and lock accordingly, preventing all future users from editing.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

William L. Bashore
March 15, 2008   /William L. Bashore/
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